

REMARKS/ARGUMENTS

Claims 1-13 are pending herein. Independent claim 1 has been amended hereby as supported by paragraphs [0014], [0047], [0050] and [0067]-[0068] of the specification, for example. Applicants respectfully submit that no new matter has been added.

1. Claims 1-4, 7, 9 and 12 were rejected under §102(b) over Swierkowski. Applicants respectfully traverse this rejection.

Independent claim 1 recites a micropipette for dispensing at least one solution. The micropipette includes, among other things, a replacement solution in a first portion of each cavity proximate the injection port, and a sample solution in a second portion of each cavity proximate the inlet port. The volume of each cavity is changed by driving a respective piezoelectric/electrostrictive element to sequentially expel the replacement solution and sample solution. The width and depth dimensions of each cavity are selected to reduce mixing of the replacement solution and sample solution within each cavity.

The PTO asserted that "Swierkowski is generally drawn to dispensing of sequential samples (see especially Abstract and column 1, lines 35-41)" (Office Action, page 2, lines 10-12). Applicants respectfully submit, however, that the portions of Swierkowski on which the PTO relied merely relate to biological sample handling and chemical analysis applications, for example, as Applicants explained in the Remarks of the May 6, 2004 Amendment. Applicants respectfully submit that the "sequential chemical reactants" mentioned in this portion of Swierkowski's disclosure merely relate to the dispensing sequence of the chemical reactants from different cavities onto the testing medium. That is, the term "sequential," as it is used in Swierkowski, merely means that one reactant after another is dispensed in sequence from separate wells through separate channels to focus on a specified reaction point, for example, reaction point 42 shown in Swierkowski's Fig. 1.

Swierkowski does not disclose or suggest, however, sequentially filling such reactants into the same cavity of a micropipette and sequentially expelling the

reactants from that cavity in a seamless manner, with reduced mixing, as is the case of the invention recited in claim 1. That is, Applicants respectfully submit that Swierkowski does not disclose anything about providing two solutions within a single cavity in any manner, much less anything about selecting the width and depth dimensions of each cavity to achieve reduced mixing of two otherwise undisclosed solutions provided within a single cavity. Indeed, Applicants respectfully submit that there is no recognition whatsoever in Swierkowski that any dimensions selected for Swierkowski's cavity could or would, in fact, enable a reduced mixing of two solutions provided within a single cavity, as recited in claim 1.

For at least the foregoing reasons, Applicants respectfully submit that independent claim 1, and all claims depending therefrom, define patentable subject matter over Swierkowski. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

2. Claims 5, 6, 8, 10, 11 and 13 were rejected under §103(a) over Swierkowski in view of Takeuchi. Applicants respectfully traverse this rejection.

Claims 5, 6, 8, 10, 11 and 13 each directly depend from independent claim 1, which is discussed in section 1 above. Since claim 1 defines patentable subject matter over Swierkowski for the reasons explained above, Applicants respectfully submit that claims 5, 6, 8, 10, 11 and 13 likewise define patentable subject matter over the applied references by virtue of their dependency from independent claim 1.

For at least the foregoing reasons, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

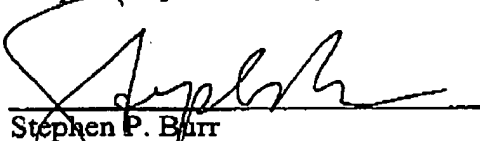
Applicants respectfully request that the PTO acknowledge receipt and consideration of the references cited in the Information Disclosure Statement filed on May 25, 2004.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

September 20, 2004
Date


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